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Date Reviewed: _____

**Chelan County
WATER CONSERVANCY BOARD
Application for Change/Transfer
Record of Decision**

Applicant: David Eastman

Application Number: CHEL-03-16 / CS4-23130C

This record of decision was made by a majority of the board at an open public meeting of the Chelan County Water Conservancy Board held on January 7, 2004.

☒ **Approval:**

The Chelan County Water Conservancy Board hereby **grants** conditional approval for the water right transfer described and conditioned within the report of examination on January 7, 2004 and submits this record of decision and report of examination to the Department of Ecology for final review.

☐ **Denial:**

The Chelan County Water Conservancy Board hereby **denies** conditional approval for the water right transfer as described within the report of examination on January 7, 2004 and submits this record of decision to the Department of Ecology for final review.

Signed:

Don Phelps
Don Phelps, Chair
Chelan County Water Conservancy Board

Date: 1-7-04

Approve ☒
Deny ☐
Abstain ☐
Recuse ☐

Peter Fraley
Peter Fraley, Member
Chelan County Water Conservancy Board

Date: 1-7-04

Approve ☒
Deny ☐
Abstain ☐
Recuse ☐

Joel Teeley
Joel Teeley, Member
Chelan County Water Conservancy Board

Date: 1/7/04

Approve ☐
Deny ☐
Abstain ☐
Recuse ☐

(Name), (Title)
(Board Name) Water Conservancy Board

Date: _____

Approve ☐
Deny ☐
Abstain ☐
Recuse ☐

(Name), (Title)
(Board Name) Water Conservancy Board

Date: _____

Approve ☐
Deny ☐
Abstain ☐
Recuse ☐

CHELAN COUNTY
WATER CONSERVANCY BOARD
Application for Change/Transfer

Record of Examination
 TO APPROPRIATE PUBLIC WATERS OF THE STATE OF WASHINGTON

- ☒ **Surface Water** (Issued in accordance with the provisions of Chapter 117, Laws of Washington for 1917, and amendments thereto, and the rules and regulations of the Department of Ecology.)
- ☐ **Ground Water** (Issued in accordance with the provisions of Chapter 263, Laws of Washington for 1945, and amendments thereto, and the rules and regulations of the Department of Ecology.)

PRIORITY DATE June 15, 1974	APPLICATION NUMBER CHEL-03-16	PERMIT NUMBER	CERTIFICATE NUMBER S4-23130C	CHANGE APPLICATION NUMBER CS4-23130C
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NAME
David Eastman

ADDRESS (STREET) (CITY) (STATE) (ZIP CODE)
Rt 1 Box 79D Chelan WA 98816-9753

DECISION HISTORICAL SUMMARY

Existing Use						Proposed Use					
QUANTITY, TYPE OF USE, PERIOD OF USE 0.02 cfs (1 ac-ft) for domestic year round						QUANTITY, TYPE OF USE, PERIOD OF USE 0.02 cfs (1 ac-ft) for domestic use year round					
SOURCE Lake Chelan			TRIBUTARY OF (IF SURFACE WATER) Columbia River			SOURCE Lake Chelan			TRIBUTARY OF (IF SURFACE WATER) Columbia River		
NO. Lot 3	1/4	1/4	SECTION 8	TOWNSHIP N. 27	RANGE, 22	NO. Lot 3	1/4	1/4	SECTION 8	TOWNSHIP N. 27	RANGE, 22
Place of Use LEGAL DESCRIPTION OF LANDS WHERE WATER IS PRESENTLY USED: W1/2 of Lot K of the Plat of Minneapolis Beach						Place of Use LEGAL DESCRIPTION OF LANDS WHERE NEW USE IS PROPOSED E1/2 of Lot K of the Plat of Minneapolis Beach					
NO. Lot 3	1/4	1/4	SECTION 8	TOWNSHIP N. 27	RANGE, 22	NO. Lot 3	1/4	1/4	SECTION 8	TOWNSHIP N. 27	RANGE, 22

BOARD DECISION

MAXIMUM CUB FT/ SECOND 0.02	MAXIMUM GAL/MINUTE	MAXIMUM ACRE-FT/YR 1	TYPE OF USE, PERIOD OF USE domestic use year round			
SOURCE Lake Chelan			TRIBUTARY OF (IF SURFACE WATER) Columbia River			
AT A POINT LOCATED: PARCEL NO. Lot 3	1/4	1/4	SECTION 8	TOWNSHIP N. 27	RANGE 22	WRIA 47 COUNTY Chelan
LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED						
PARCEL NO. E1/2 Lot K	1/4 Gov't Lot 3	1/4 SE	SECTION 8	TOWNSHIP N 27	RANGE, 22	

DESCRIPTION OF PROPOSED WORKS

The existing diversion (submersible pump in Lake Chelan) has been in place since the perfection of the right and will stay intact with up to 0.02 cfs instantaneous and 1 ac-ft annual withdrawn.

DEVELOPMENT SCHEDULE

BEGIN PROJECT BY THIS DATE: NA	COMPLETE PROJECT BY THIS DATE: NA	COMPLETE CHANGE AND PUT WATER TO FULL USE BY THE DATE: NA
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REPORT

BACKGROUND

1. **Description of Water Right – Validity and Quantification**

The water right proposed for change is described in Water Right Certificate No. **S4-23130C**. See Appendix A, attachments thereto. The Board's tentative determination is that this water right, as owned by the applicant, is valid with a priority date of June 15, 1974 in the following amounts for diversion from Lake Chelan, Chelan County, i.e., up to 0.02 cfs and 1 acre feet annually in terms of water put historically and continuously to beneficial use for the use of a three-unit condominium building located within the E1/2 of Lot K of the plat of Minneapolis Beach in Chelan County.

The right was originally issued with the place of use listed as the W1/2 of Lot K of the Minneapolis Beach plat in Chelan County. A review of the water right file clearly demonstrates that the actual place of use was intended to be the E1/2 of Lot K. This is based on the maps and legal descriptions included in the original application.

The board chairman (Don Phelps) visited the property in September of 2003 as part of the board investigation. The water right as described has been in continuous use by the three-unit condominium building since its issuance. The water right evidenced by said Certificate in the amounts stated in the preceding sentence is, therefore, exercisable in said amounts as well as eligible for potential change under RCW 90.03.380.

2. **Protests, Objections, or Comments**

No comments, protests, or objections were received by letter from any person or entity relating to the subject application.

3. **State Environmental Policy Act Compliance**

The proposed water right change application is exempt from the requirements of RCW 43.21C.030(c); see WAC 197-11-800(4).

INVESTIGATION

4.	Impact on Other Water Rights
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The proposed changes will not impair existing rights. The water is withdrawn from Lake Chelan and the water will continue to be used on the same place of use, albeit corrected on the actual certificate.

5.	Impact on Pending Applications
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The proposed changes will have no impact on any pending applications for withdrawal from Lake Chelan.

6.	Impact on Instream Flows/Lake Level
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The proposed changes will have no impacts on instream flows or lake levels.

7.	Description of Other Water Rights Associated With the Current and Proposed Place of Use
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- a. There are no other water rights associated with the current place of use.
- b. There are no other water rights associated with the proposed place of use.

8.	Public Interest Effect Analysis
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Taking into account the public interest relevant to water rights establishment and changes, as set forth primarily in the public interest policy fundamentals of RCW 90.54.020, there is no negative affect on the public interest brought about by approval of this application.

9.	Relinquish or Abandonment
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As the water right proposed for change is in a valid exercisable status, the statutory forfeiture provisions of Chapter 90.14 RCW are not met relative to the amounts requested for change. There is no period of five years in which the amounts requested for change have not been put to beneficial use. In terms of abandonment, no intent by the certificate holder to abandon said right exists.

10.	Geologic, Hydrologic, or Other Scientific Investigations
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None

11.	Site Evaluation
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An on-site evaluation of the properties to which the subject applications relate was performed by Board Chairman Don Phelps on September 17, 2003.

FINDINGS & CONCLUSIONS

A. Findings of Fact

1. On January 7, 1998 David Eastman filed an application with the Department of Ecology to change the place of use for water right **S4-23130C**. David Eastman subsequently requested that the application be transferred from the Department of Ecology to the Chelan County Water Conservancy Board for consideration, see Appendix A for a copy of the application, for changes to the water right described in Water Right Certificate No. **S4-23130C**. See Appendix B, attachments thereto.

2. A public notice of the application was published for two consecutive weeks in a newspaper of general circulation within Chelan County. A copy of the affidavit of publication of said notice is attached as Appendix C.

3. A notice of application was also sent to the Department of Fish and Wildlife, see Appendix D, attached. There has been no response to this notice.

4. No comments were received by the Board within 30 days of the last date of publication of the public notice. Likewise, no objections or protests to the approval of the application were received during said period.

5. Public meetings relating to the subject application were held by the Board on November 5, 2003 and January 7, 2004.

6. No comments or other information was received either in writing or verbally at any public meeting of the Board.

7. Water Right Certificate No. **S4-23130C** was timely filed pursuant to RCW 90.14.041.

8. The water right proposed for change is at present a valid exercisable right in relation to the quantities of the right proposed for change in the application of David Eastman.

9. The water right as it (1) is described in the immediately preceding paragraph 8 and (2) is proposed for change, relates in all respects including place of use and point of withdrawal to lands (and waters use thereon) located within Chelan County.

10. No existing water rights will be injured or otherwise detrimentally affected by approval of the proposed change.

11. The proposed change of water right will not significantly affect, in any negative aspect, the quality of the environment.

12. The proposed change of water right is exempt from the requirements of RCW 43.21C.030(c).

B. Conclusions

1. The procedures followed in processing the subject application are in compliance with applicable state laws, including RCW 90.03.380-.390 and RCW 90.80.070.

2. The proposed changes can be made without injury or detriment to existing water rights.

3. The proposed changes are appropriate for approval.

C. RECOMMENDATIONS

In light of said conclusions, the decision of the Board is to approve the changes of water right application of David Eastman relating to Water Right Certificate No. ***S4-23130C***.

1. As to David Eastman, the change of the water right is to change the place of use of one acre foot of water (1 ac-ft per year and 0.02 cfs instantaneous withdrawal) to the East ½ of Lot K of the Plat of Minneapolis Beach located in Gov't Lot 3 in Sec 8, T27N R22 E.W.M. With the above change, the further unchanged elements making up the totality of the June 15, 1974 priority water right owned by David Eastman are:

- a. The place of use is the lands denoted as set forth in "Place of Use" section on page 1 of this document;
- b. The purpose of use is domestic of not more than 1 ac-ft;
- c. The instantaneous withdrawal rate from the point of withdrawal is an amount not exceeding 0.02 cfs;
- d. The annual (calendar year) withdrawal amount for this right is an amount not exceeding 1 acre feet; and
- e. The priority date is June 15, 1974.

PROVISIONS

The following provisions are to be included as a part of the application approval decision referred to in the preceding section:

1. Upon concurrence by the Department of Ecology, a certificate shall be issued to the applicant by the Department containing the elements of a water right as set forth in Section C of this Final Order.

2. The surface water pump associated with the point of withdrawal shall be equipped with an approved measuring device in accordance with the rule "Requirements for Measuring and Reporting Water Use", Chapter 173-173 WAC metering device as described below, said obligation to be placed on David Eastman, unless a meter already exists.


3. This authorization to make use of public waters of the State is subject to senior existing rights, including any existing rights that may exist of a senior priority held by the United States for the benefit of Tribes under treaty or executive order.

4. The amounts withdrawn under this authorization shall not exceed 0.02 cfs instantaneous or 1 acre feet annually.

Signed at Wenatchee, Washington
This 7th of January, 2004



Donald Phelps, PE, Chair
Chelan County Water Conservancy Board



Peter Fraley, Esq.
Board Member

Joel Teeley
Board Member

For attachments not included or for more information please contact:

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